HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Atty Docket No.: 100111406-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Wolfgang BROSS et al.	**Confirmation No.:**	9508
Serial No.:	09/995,320	**Examiner:**	Garcia Ade
Filed:	November 26, 2001	**Group Art Unit:**	3627

Title: METHODS, DATA RECORD, SOFTWARE INTERFACE, DATA WAREHOUSE MODULE AND SOFTWARE APPLICATION FOR EXCHANGING TRANSACTION-TAX-RELATED DATA

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Review of the final rejection in the Office Action dated May 2, 2006, in the above-identified application is respectfully requested. This request is being filed concurrently with a Notice of Appeal and is submitted for the reasons stated on the attached sheets. No amendments are being filed with this request.

REMARKS

Favorable reconsideration of this application is also respectfully requested in view of the following remarks. Claims 1, 3, 5-8, and 10-13 are pending and under consideration, of which claims 1 and 7 are independent.

The references cited against the claimed invention were copending Application No. 10/495,634, Sullivan (2003/0093320) and Cox et al. (2003/0061061).

PATENT

Atty Docket No.: 100111406-2
App. Ser. No.: 09/995,320

Office Interview Conducted

The undersigned thanks Examiner Garcia Ade for the courtesies extended in the personal interview conducted on July 20, 2006. In the interview, Examiner Ade indicated that he has taken over the examination of the present application because the previous Examiner of record, Steven McAllister, is no longer available to continue the examination. The undersigned proceeded to explain the final office action and arguments against the various claim rejections included therein. Examiner Ade fully understood such arguments. However, Examiner Ade indicated that he was new to the application and did not yet have a chance to thoroughly review the final office action issued by Examiner McAllister. Therefore, Examiner Ade suggested that a response be filed with the arguments presented in the interview such that they can be fully considered by the Examiner. Accordingly, please find below the arguments as previously presented in the interview.

Examiner McAllister committed clear errors in the provisional rejection of claims 1, 3, 5-8, and 10-13 on the ground of nonstatutory obviousness-type double patenting

Claims 1, 3, 5, 6, and 10-13 were rejected based on claims 1-10 of copending Application No. 10/495,634 (hereinafter, "the '634 application"). Likewise, claims 7-8 were rejected based on claims 11-15 of the same copending application.

Examiner McAllister alleged that whatever subject matter in claims 1, 3, 5-8, and 10-13 of the present application that is not found in claims 1-10 of the '634 application is given official notice as being notoriously well known in the art. MPEP 2144.03 clearly states that,

> It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge

> of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979).

It is respectfully submitted that the Examiner's allegations are assertions of technical facts in the areas of esoteric technology, that is, computer technology and the inner workings of data manipulation in a computing environment to which an ordinary user is not privy. Therefore, official notice cannot be taken of the nuance of the claimed features in such an esoteric technology. For example, claim 1 recites "reading an output mapping definition" so that source information from the first application-specific data model can be derived based on such reading, which is not described in claims 1-10 of the '634 application. Typically, the mapping process is performed in reverse, that is, source information is first obtained so that mapping can be done based on such source information. Likewise, claim 7 recites, "the set of transaction-tax-related data elements of the standardized transaction-tax data warehouse data model comprises at least one of, equals and is a subset of the set of transaction-tax-related data elements of a standardized transaction-tax interface data model," which are also technical facts in the areas of esoteric technology and not described in claims 1-10 of the '634 application.

Accordingly, because claims 1, 3, 5-8, and 10-13 of the present application and claims 1-10 of the '634 application do not recite the same or obvious subject matter, it is respectfully submitted that Examiner McAllister committed clear errors at least with regard to the nonstatutory obviousness-type double patenting provisional rejection.

PATENT

Atty Docket No.: 100111406-2
App. Ser. No.: 09/995,320

Examiner McAllister committed clear errors in the rejection of claims 1, 3, 5-8, and 10-13 under 35 U.S.C. §103(a) based on Sullivan and Cox et al.

Examiner McAllister admitted that Sullivan does not explicitly show that there are two different data models (a transaction-tax-related data warehouse application and at least one transaction-tax-related application), and that there is a standardized transaction-tax-interface data model to provide an interface model. However, Examiner McAllister alleged that the aforementioned differences are shown in Cox et al., and that it would have been obvious to combine Sullivan and Cox et al. in order to provide communication in a heterogeneous environment.

It is respectfully submitted that FIGs. 1 and 2, and supporting text, in Sullivan clearly show a single transaction tax processor 201 for operating and maintaining a plurality of alleged transaction tax databases and applications (e.g., 270-274, tax calculator). Therefore, at best, all such transaction tax databases and applications inherently use the same standardized data model for communicating with each other because they are all operated and maintained by the same transaction tax processor 201. Accordingly, it would be counterproductive to have different data models for the transaction tax databases and applications in Sullivan (e.g., the alleged data warehouse data model), only to further require such models be mapped to the standardized data model in order to effectuate communications between the various databases and applications in the transaction tax processor 201. Such scheme is not desirable, and thus not obvious, because it needlessly complicates the transaction tax compliance system 200 of Sullivan. Although Sullivan in paragraph [0037] discloses that those databases and applications in the transaction tax processor 201 can operate on multiple computers, as cited in the Office Action (p. 6), it

remains at best inherent to have those multiple computers use the same data model to simplify the transaction tax compliance system 200 absent any indication to the contrary. After all, Sullivan's system 200 is intended to *ease* the transaction tax compliance burdens rather than to further complicate such burdens. *See* Sullivan, paragraphs [0002] and [0005].

Accordingly, it would not have been obvious to complicate Sullivan's system by specifying that its transaction tax databases and applications must have different data models so that Cox et al. can be introduced to show a standard model interface can be used for such data models. Such complication teaches away from Sullivan's intention of easing the transaction tax compliance burdens.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: August 2, 2006

By

Tiep H. Nguyen
Registration No. 44,465
(703) 652-3819

Timothy B. Kang
Registration No.: 46,423
(703) 652-3817

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 865-5150 (facsimile)